

Applicant: Randall S. Estep
Application Serial No. 09/914,969
Filed: September 6, 2001
Date: May 30, 2008

REMARKS

In response to the Decision of the Board of Patent Appeals and Interferences decided March 31, 2008, Applicant has cancelled claims 1, 15 and 18 and added claims 19-21 to better define the present invention. Applicant also includes herewith, a Request for Continued Examination, including the requisite fee. Continued prosecution of the present application and reconsideration and withdrawal of the rejections of the claims are respectfully requested. Applicant earnestly believes that the amendments, which clearly show the use of a personal computer with attendant peripherals in an underwater environment, make the claims of the present invention distinctive and patentable over the art cited. No new matter has been added. Further, Applicant believes that the best references have been found in the detailed searches conducted by the Examiner, such that no superior references will be found. As a result, Applicant believes that the application as presently claimed is in allowable condition and respectfully requests allowance of the claims as presently amended.

As a result of the clear direction provided by the Board, Applicant has amended the claims of the application to show that its device comprises all of the elements typically incorporated in a personal computer. The Board agreed with Applicant that Hales reference (U.S. Patent No. 6,360,182) discusses dive computers only, but that in the manner that the claims were previously couched Hales could be seen to provide more functions than a typical dive computer and therefore some of the functions claimed. However, as now claimed it is clear that a device of the Hales disclosure would not include the plurality of peripheral equipment, and their functionality, as now claimed in the device of the present invention. As such Hales, either alone or in combination with the other cited references, does not make the present invention obvious. Indeed the teachings of neither of the other applied references, Larson (U.S. Patent No. 6,066,129) nor Valley (U.S. Patent No. 5,574,794), nor the combination thereof, would add those peripheral devices as now required in the claims of the present invention; indeed one having ordinary skill in the art would not find the elements missing in Hales within the

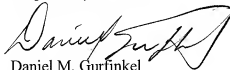
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other references to effect such a combination. As such, the combination of Hales, Larson and Valley cannot teach the invention as now claimed.

Applicant encloses a Request for Continued Examination (RCE). The Commissioner is hereby authorized to charge the fees for the RCE to deposit account No. 230920. It is believed that no other fees or petitions are necessary in this reply and as a result of the amendments. However, should any fee be needed, please charge the following Deposit Account for any such fee, Deposit Account No. 23-0920, and deem this paper to be the required petition.

Applicant hereby respectfully requests the withdrawal of the rejections of the Office Action and continued prosecution, reconsideration and reexamination. A sincere effort has been made to overcome the Office Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel M. Gurfinkel", with a stylized flourish at the end.

Daniel M. Gurfinkel
Attorney for Applicant
Registration No. 34,177

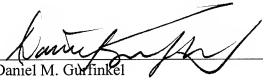
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Daniel M. Gurfinkel

May 30, 2008
DATE